

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LUIS FERNANDEZ VARGAS,

Civil Action No.:

Plaintiff,

NOTICE OF REMOVAL

- against -

GAYLAND DESOMND AMAKER, J.B. HUNT TRANSPORT,
INC., and JONATAN R. PENA,

Defendants.

-----x
**TO: THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

PLEASE TAKE NOTICE that Defendants GAYLAND DESMOND AMAKER i/s/h/a GAYLAND DESOMND AMAKER, and J.B. HUNT TRANSPORT, INC., hereby remove the civil action entitled *Luis Fernandez Vargas v. Gayland Desomnd Amaker, J.B. Hunt Transport, Inc., and Jonatan R. Pena*, Index Number 800266/2022E, from the Supreme Court of the State of New York, County of Bronx, where it is now pending, to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

Dated: New York, New York
October 27, 2022

Yours, etc.,
GALLO VITUCCI KLAR LLP

By:


Heather C. Ragone, Esq.
Attorneys for Defendants
Gayland Desmond Amaker i/s/h/a
Gayland Desomnd and J.B. Hunt Transport, Inc.
90 Broad Street, Suite 1202
New York, New York 10004
(718) 612-4466
hragone@gylaw.com
File No.: JBH.2022003

TO:

THE FASTMAN LAW GROUP, P.C.
Attorney for Plaintiff
Luis Fernandez Vargas
2001 Marcus Avenue, Suite S90
Lake Success, New York 11402
(516) 437-7300

NO APPEARANCE BY:

JONATAN R. PENA
28 Summer Avenue, Apt. 3L
Springfield, Massachusetts 01108

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
LUIS FERNANDEZ VARGAS,

Civil Action No.:

Plaintiff,

PETITION FOR REMOVAL

- against -

GAYLAND DESOMND AMAKER, J.B. HUNT TRANSPORT,
INC., and JONATAN R. PENA,

Defendants.

-----x

**TO: JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

The Petition of Heather C. Ragone respectfully shows as follows:

1. That the undersigned is counsel for Defendants GAYLAND DESMOND AMAKER i/s/h/a GAYLAND DESOMND AMAKER, and J.B. HUNT TRANSPORT, INC., and hereby remove the civil action entitled *Luis Fernandez Vargas v. Gayland Desomnd Amaker, J.B. Hunt Transport, Inc., and Jonatan R. Pena*, Index Number 800266/2022E, which is currently pending in the Supreme Court of the State of New York, County of Bronx to the United States District Court of the Southern District of New York pursuant to 28 U.S.C. §§ 1332 and 1441.

2. This action was commenced by the filing of a Summons and Complaint on or about January 6, 2022. Issue was joined by the service of an Answer on behalf of Defendants on or about January 26, 2022. Copies of the Summons and Complaint and Verified Answer are collectively annexed hereto as **Exhibit “A”**.

3. That the cause of action as set forth in the Complaint seeks money damages for personal injuries. That on October 25, 2022, Plaintiff verified – for the first time – that the amount in controversy exceeds Seventy-Five Thousand Dollars (\$75,000) (Exhibit “D”).

4. In the Complaint, Plaintiff seeks to recover damages resulting from an alleged accident that took place on April 28, 2021, on the stretch of I-95, northbound Cross Bronx Expressway, in the borough of the Bronx, State of New York (Exhibit "A").

5. Plaintiff Luis Fernandez Vargas is a natural person who is a resident and citizen of the County of Union, State of New Jersey as indicated on the Summons and Complaint. (Exhibit "A").

6. Defendant Gayland Desmond Amaker i/s/h/a Gayland Desomnd Amaker is a natural person who is a resident and citizen of the County of Hampden, State of Massachusetts as indicated on the Police Report. See Exhibit "B".

7. Defendant J.B. Hunt Transport, Inc. is a foreign corporation with its principal place of business located in Lowell, Arizona. (Exhibit "B").

8. On January 26, 2022, Defendants served Plaintiff with a Demand for a Statement of Damages pursuant to N.Y. C.P.L.R. § 3017. See Exhibit "C".

9. On October 25, 2022, Plaintiff served an Amended and Supplemental Verified Bill of Particulars responding to Defendants' Demand for Statement of Damages in which they claim damages in excess of \$75,000. See Exhibit "D".

10. That this action may be removed to this Court by Defendants pursuant to 28 U.S.C. § 1441(c) since Plaintiff's action is a civil action where the amount in controversy exceeds the sum of \$75,000 exclusive of interest and costs and is between citizens of different states.

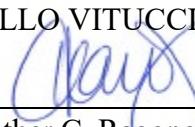
11. As the residence amongst the Defendants and the Plaintiff's establish complete diversity of citizenship and the amount in controversy exceeds the sum of \$75,000 exclusive of costs and interest, Defendants respectfully remove this action from the Supreme Court of the State of New York, County of Bronx to the United States District Court for the Southern District of New

York.

WHEREFORE, Defendants respectfully request that the action now pending against them in the Supreme Court of the State of New York, County of Bronx be removed therefrom to this Court.

Dated: New York, New York
October 27, 2022

Yours, etc.,
GALLO VITUCCI KLAR LLP

By: 

Heather C. Ragone, Esq.
Attorneys for Defendants
Gayland Desmond Amaker i/s/h/a
Gayland Desomnd and J.B. Hunt Transport, Inc.
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TO:

THE FASTMAN LAW GROUP, P.C.
Attorney for Plaintiff
Luis Fernandez Vargas
2001 Marcus Avenue, Suite S90
Lake Success, New York 11402
(516) 437-7300

NO APPEARANCE BY:

JONATAN R. PENA
28 Summer Avenue, Apt. 3L
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
LUIS FERNANDEZ VARGAS,

Civil Action No.:

Plaintiff,

VERIFICATION

- against -

GAYLAND DESOMND AMAKER, J.B. HUNT TRANSPORT,
INC., and JONATAN R. PENA,

Defendants.

-----X

Heather C. Ragone, being duly sworn according to law, deposes and says:

That I am counsel for Defendants, GAYLAND DESMOND AMAKER i/s/h/a GAYLAND
DESOMND AMAKER, and J.B. HUNT TRANSPORT, INC., the within named
Defendants/Petitioners; that I have read the foregoing Petition for Removal; and that the statements
contained therein are true in substance and to my knowledge.


HEATHER C. RAGONE (8757)

Sworn to before me this
27th day of October 2022



Notary Public

JENNAFER ORTMULLER
NOTARY PUBLIC, State of New York
No. 4973242
Qualified in Nassau County
Commission Expires Oct. 15, 2026

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Civil Action No.:

LUIS FERNANDEZ VARGAS,

Plaintiff,

- against -

GAYLAND DESOMND AMAKER, J.B. HUNT TRANSPORT, INC., and JONATAN R. PENA,

Defendants.

**CIVIL COVER SHEET, NOTICE OF REMOVAL, PETITION OF REMOVAL AND
RULE 7.1 STATEMENT**

GALLO VITUCCI KLAR LLP

Attorneys for Defendants

Gayland Desmond Amaker i/s/h/a Gayland Desomnd and J.B. Hunt Transport, Inc.

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